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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,941

12/10/2003

Allon G. Englman

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11/16/2006

JENKENS & GILCHRIST, P.C.  
225 WEST WASHINGTON  
SUITE 2600  
CHICAGO, IL 60606

EXAMINER

OMOTOSHO, EMMANUEL

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/731,941	Applicant(s) ENGLMAN ET AL.	
	Examiner Emmanuel Omotosho	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/10/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____                                                |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:10/14/05,06/14/04,02/17/04,12/10/03.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US Application No. 60/373749. Walker et al. discloses a gaming machine capable of providing a benefit mode (enhanced mode) during a game session (Page 1 Section 0014). The benefit mode provides extra game features that are considered beneficial to the player. It should be noted that the 'benefit mode' is being viewed as the 'enhanced mode'. After a player begins the game (initial mode), the controller will determine if certain conditions are present. If the conditions are met, the controller will display a video message indicating that a benefit mode with certain benefits will be provided if the credit balance is increased (Page 1 Section 0014). If the player inserts more credits (Page 5 Section 0044), a set of benefits will be provided to the player and the player can then select a particular benefit by inputting his/her selection through an input device (Page 5 Section 0054). It should be noted that the step of 'player inserting more credits' is being viewed as 'the second wager'.
3. In regards to claim 3-6, Walker et al. discloses the benefit as an increase in the probability of entering a bonus round (Page 6 section 0059). It should be

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noted that it is well known in the art of wagering game for the game machine to award a bonus round as means to further entertain the player. Moreover, Walker et al. also disclose a few benefits that increase the value payout average of a game. One way is through extra coins for any outcome once the benefit mode is activated. With this benefit, a player can use the coin for more spins which will result in an increase in value payout average when compare to the base mode (Page 5 Section 0058).

4. In regards to claim 7-8, Walker et al. discloses the benefit as awarding an extra credits to the player in a wining outcome, this increases the value associated with the wining outcome. Furthermore, the benefit could also award a credit amount when there is no wining outcome (Page 5 Section 0058).

5. As mentioned above, Walker et al. discloses a method for entering a benefit mode when a 'certain condition' is met after the player starts the game play. As mentioned above, Walker et al. also discloses one of the benefit modes to be an increase in the value payout of an outcome. Therefore in regards to claims 10-13, it is an obvious choice for the casino operator to choose the 'certain condition' to be the condition where n out of x reels are displayed.

Where n is greater than x and x is the number of reels in the array of reels for the casino game. This further entertains and entices the player to bet more money now knowing the value for n number of reels.

6. Claims 14-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. as applied above, and further in view of Marks et al. US 6960133B1. Walker et al. discloses all subject matters except the capability of

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repositioning a wild symbol to maximize the value payout to the player.

Moreover, Walker et al. disclose that the benefits provided to the player are not limited to the ones mentioned in the examples (Page 5 section 0057) and that modifications to the system could be made by those skilled in the art (Page 8 section 0084). However Marks et al. discloses a method for repositioning predetermined symbol to maximize the players value payout when a predetermined symbol appears in the displayed reel symbol array (Column 6 lines 41-52). Marks et al. further pointed out that the predetermined symbol eligible for repositioning could be a wild symbol (Column 14 lines 30-37).

Therefore, it would be obvious to someone of ordinary skill at the time of the invention to combine Walker et al.'s reference with Marks et al.'s reference in an effort to increase the players interest and excitement by offering more benefits to the player if the player places more wager. However, even though Mark et al. did not specifically show a change in color of reel symbols, it is well known in the art to change the color of a particular symbol as means to further entertain the user and indicate a jackpot activity or a specific bonus round activity.

7. Claims 24 - 49, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. and Marks et al. as applied above, and further in view of Meyer. US App No. 09/971139. Walker et al. discloses a gaming machine or a network of gaming machines (Page 11 Section 0189) capable of providing a benefit mode (enhanced mode) upon a triggering event (e.g. more credits added) during a game session (Page 1 Section 0014). The benefit mode provides extra game features that are considered beneficial to the player.

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Walker et al. discloses all subject matters except specifically choosing the extra game feature to be an extra symbol added to the reel or an extra pay line added to the game. However, in a similar invention offering a bonus game during a base game, Meyer disclose the bonus round comprising a game feature capable of adding extra symbol/pay lines on the display screen to further escalate the game activity as the game progresses and further maintain the players interest (Page 2 Section 0035-0037). Moreover, Walker et al. disclose that the benefits provided to the player are not limited to the ones mentioned in the examples (Page 5 section 0057) and that modifications to the system could be made by those skilled in the art to further maintain the players interest and attract more players to such gaming device (Page 8 section 0084). Therefore it would be obvious for someone of ordinary skilled in the art at the time of the invention to have combined the references art to further maintain the players interest and attract more players to such gaming device.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Acres et al., US 5655961, discloses a method for operating networked gaming devices including a method for operating a bonus round with certain features enabled

Cannon et al., US 6746328B2, discloses a method of playing multiple games based on a predetermined outcome in a first game. Also discloses changing the color of a symbol upon a triggering event.

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Luccesi et al., US 6793578B2, discloses a Gaming device having a primary game outcome employed in a bonus game.

Brune et al., US 5851148, discloses a Game with bonus display. Also discloses changing the color of a symbol upon a triggering event.

Locke et al., US 6561904B2, Decreasing or increasing number of multipliers for a multi-spin slot game.

Hartl et al., US 2004/0053683A1, discloses an alternative bonus game associated with slot machine.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is 5712723106. The examiner can normally be reached on m-f 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO



JOHN M. HOTALING, II  
PRIMARY EXAMINER